

AMENDMENT
U.S. Appn. No. 10/772,721

REMARKS

Claims 1-29 are pending, of which claims 1, 18, 19 and 23 have been amended to delete non-elected subject matter. Applicants reserve the right to file a divisional application directed to this non-elected subject matter, as acknowledged by the Examiner at page 3 of the Office Action.

In the Office Action, the Examiner has maintained the restriction requirement previously imposed, and has identified a scope of elected subject matter at page 3, wherein A is a 5- or 6-membered carbocyclic ring, X and W are as defined, R¹ is as defined; Y is optionally mono- or di-substituted or fused phenyl ring with the exception that the phenyl ring is not fused with a heterocyclic ring; R³ is aryl, mono- or di-substituted with a five-membered unsaturated heterocyclic ring having from one to three heteroatoms selected from nitrogen, oxygen and sulfur; and R⁴, R⁵ and R⁶ are as defined. The Examiner further states that the remaining non-elected subject matter is withdrawn from further consideration as being patentably distinct from the elected subject matter, and that a reference which anticipates the elected subject matter would not render obvious the withdrawn non-elected subject matter.

The Examiner further objects to claims 1-26 for containing such non-elected subject matter. The Examiner also indicates that claims 27-29 would be allowable along with the elected invention and commensurate in scope therewith.

In response, the claims have been amended to be restricted to the elected subject matter identified by the Examiner. Accordingly, Applicants submit that the objection with respect to claims 1-26 should be withdrawn and that all the claims are now in condition for allowance. Applicants reserve the right to file a divisional application directed to this non-elected subject matter, which divisional application should be accorded the protections of 35 USC 121 since the Office has required restriction-out and cancellation of subject matter identified as being patentably distinct from the elected subject matter remaining in the application.

In view of the above amendments and remarks, Applicants respectfully submit that this application is now in condition for allowance and earnestly request such action. If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the

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Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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